

## REMARKS

### August 4, 2003 Interview

Applicant wishes to thank Examiner Madsen for the courtesies extended to his undersigned representative during a personal interview on August 4, 2003. During the interview, Mr. Madsen was presented with a multi-layer food tray of the present invention having a lid film sealed onto its flange portion. Applicant's representative pointed out that the cited references to Chen, Wakabayashi, and Blemberg failed to describe the particular multi-layer container as presently claimed. Finally, agreement was reached that the cited documents fail to describe or suggest a container in which a first layer comprises a blend of virgin polymer and reprocessed polymeric materials from the first, second, and third layers.

### Status of Claims

Claims 1-12, 22-29, 38-47, 78, and 79 remain pending. By the foregoing amendment, claims 13-21, 30-37, and 48-77 have been canceled without prejudice or disclaimer and claims 1, 39, and 78 have been amended to point out that the first layer comprises a blend of (i) virgin polymer and (ii) reprocessed polymeric materials from the first, second, and third layers. Support for the amendments is found in the specification, *inter alia*, at page 4, lines 10-25. No new matter is added. Entry of the amendments is respectfully requested.

Claims 1-4, 39-42, and 78 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chen U.S. Patent 5,219,665 ("Chen") as evidenced by Weiss et al. U.S. Patent 3,960,631 ("Weiss"). Claims 1-9 and 12 stand rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Schneider *et al.* U.S. Patent 6,333,094 ("Schneider"). Claims 1-11, 22-29, 38-46, 78, and 79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Blemberg *et al.*

U.S. Patent 5,424,347 ("Blemberg") in view of Wakabayashi *et al.* U.S. Patent 6,355,336 ("Wakabayashi") and Schneider. Claim 47 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Blemberg in view of Wakabayashi and Schneider, and further in view of Brady U.S. Patent 5,916,615 ("Brady").

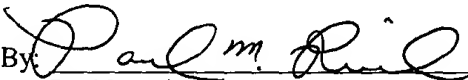
Although Applicant respectfully disagrees that the cited references describe or suggest the thermoformed container of independent claims 1, 39, or 78, in an effort to advance prosecution, independent claims 1, 39, and 78 each have been amended to point out that the first layer comprises a blend of (i) virgin polymer and (ii) reprocessed polymeric materials from the first, second, and third layers. As was agreed during the August 4, 2003 interview, none of the cited documents describes or suggests this particular feature. Therefore, Applicant respectfully submits that each of the rejections is now moot and overcome.

In view of the foregoing, favorable reconsideration and allowance of the subject application are respectfully requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:   
Paul M. Rivard  
Registration No. 43,446

Customer No. 22907

1001 G Street, N.W.  
Washington, DC 20001-4597  
(202) 824-3000 (telephone)  
(202) 824-3001 (facsimile)